

seal

3 pm
1/4/01

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES ISELEY,

Petitioner

v.

KATHLEEN ZWIERZYNA, ET AL.,

Respondents

CIVIL NO. 1:CV-00-2186

(Judge Kane)

FILED
HARRISBURG, PA

JAN 03 2001

MARY E. D'ANDREA, CLERK
PER *[Signature]* DEPUTY CLERK

ORDER

Background

This is a petition for a writ of habeas corpus filed under 28 U.S.C. § 2254. The financial affidavit accompanying the prisoner's motion to proceed in forma pauperis indicates that he may not be required to pay the full statutory filing fee of \$5.00. Therefore, temporary approval to proceed in forma pauperis will be granted so the court may request from the warden or other appropriate official a summary of the transactions in the petitioner's account for the six (6) months preceding the filing of this petition.

The court may condition entitlement to proceed in forma pauperis upon payment of a partial filing fee after consideration of the income received within the six (6) month period preceding submission of the petition, the present balance in the prisoner's account, the average monthly balance in the prisoner's account and other factors as may be brought to the court's attention. Jones v. Zimmerman, 752 F.2d 76, 78-79 (3d Cir. 1985); Bullock v. Suomela, 710 F.2d 102, 103 (3d Cir. 1983). The partial filing fee to be submitted shall not in any circumstances exceed 15% of the income received by the prisoner within the

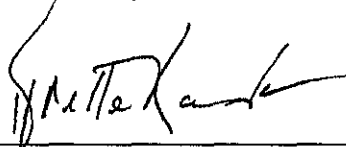
preceding six (6) months. See Evans v. Croom, 650 F.2d 521, 522, 525 (4th Cir. 1982, cert. denied, 454 U.S. 1153 (1982)).

The warden or other appropriate official will be directed to provide this court with a record of the transactions, inflow and outflow of funds through the prisoner's account, which occurred within the preceding six (6) month period and advise the court of the present balance in the prisoner's account. The court shall be advised whether the prisoner has institutional employment and, if so, his average monthly income from the job.

If the records are at another institution or if the records are for some reason unavailable, this court should be so informed.

NOW, THEREFORE, THIS 3rd DAY OF JANUARY 2001, IT IS ORDERED THAT:

1. The petitioner is granted temporary leave to proceed in forma pauperis, pursuant to Title 28 of the United States Code, § 1915(a).
2. Within ten (10) days of the date of this order, the warden or other appropriate official shall complete the attached affidavit form and provide the requested information to the court.
3. Pursuant to Jones v. Zimmerman, 752 F.2d 76 (3d Cir. 1985), the warden shall simultaneously provide a copy of the completed affidavit to the petitioner.



Yvette Kane
United States District Judge

YK:mcs

- (b) Please explain in detail why you are under imminent danger of serious physical injury:

4. (a) Are you presently employed at the Institution? Yes ____ No ____
(b) If yes, what is your monthly compensation? \$____
5. Do you own any cash or other property; have a bank account; or receive money from any source? Yes ____ No ____

If the answer is "yes" to any of the above, describe each source and the amount involved.

I certify under penalty of perjury that the foregoing is true and correct

Executed on _____
(Date)

(Signature of Plaintiff)

This certification is executed pursuant to Title 28, United States Code, Section 1746.

AUTHORIZATION

(Prisoner's Account Only)

NOTE: Completing this authorization form satisfies your obligation under 28 U.S.C. § 1915(a)(2) to submit a certified copy of your trust fund account.

I, _____, request and authorize the agency holding me in custody to send to the Clerk of Court, United States District Court for the Middle District of Pennsylvania, a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) at the institution where I am incarcerated. I further request and authorize the agency holding me in custody to calculate and disburse funds from my trust account (or institutional equivalent) in the amounts specified by 28 U.S.C § 1915(b).

This authorization is furnished in connection with the filing of a civil action, and I understand that the filing fee for the complaint is \$150.00. I also understand that the entire filing fee will be deducted from my account regardless of the outcome of my civil action. This authorization shall apply to any agency into whose custody I may be transferred.

Date: _____, 19____

Signature of Prisoner

